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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,840	01/16/2002	Glenn F. Evans	MSI-1024US	1880
22801	7590	12/19/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,840

Applicant(s)

EVANS, GLENN F.

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-50 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 42-50 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on September 23, 2005.
Claims **1-41,51-55 and 27-84** have been canceled and claims **42-50 and 56** are pending.

Response to Arguments

2. Applicant's argument filed on September 23, 2005 have been fully considered but they are not persuasive.
Applicant first argued that the § 112 rejection, given to the term "portions of memory" recited in the claims, has to be withdrawn for the reason that the term has a well-defined meaning within the context of the Applicant's disclosure. Even though the Examiner understood the fact that "portions of memory" have been explained in the disclosure as protected and unprotected portions, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore it is required that the "portions of the memory" explicitly defined in the claims so that the scope of the limitation is well understood with out ambiguity.

Applicant next argument is based on the independent claims 42 and 56.

Applicant first argued that independent claim 42 includes limitations that are not shown or suggested by the references on the record, namely Davis.

Applicant wrote the following in support of his argument,

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“Davis does not disclose or suggest that the key itself is associated with individual portions of the frame buffer.” Applicant further wrote the following, “ In this regard, to assist the Office in appreciating subject matter within the sprit of the claim, the office directed to figure 6 which is one example of “portions of memory”, as that term is understood in the context of Applicant's disclosure. As shown in figure 6, video memory 510 can include protected portions (608-614) and unprotected portions (616-624). Furthermore, these individual portions comprise part of a video (or graphics) card's memory. In contrast, and as noted above. Davis fails to mention portions of memory or portions of a frame buffer at all.” The argument presented to claim 56 is also related to the claim 42, as it points out the improper interpretation given to “portion(s) of memory” or “memory portion(s)” by the office.

Examiner disagrees with these arguments.

The above argument is directly related to the term “portions of memory” and the examiner's interpretation remains valid till the applicant explicitly defined the term in the claim itself. From the argument presented, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's other argument is regarding the dependent claims.

Applicants argued that since the independent claims are patentable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims.

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In response to the above argument by the applicant, the examiner response discussed to the independent claims above is also valid towards this argument. Therefore all the elements of the limitations is suggested and disclosed by reference/s on the records and the rejection remains valid.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 42, 44, 46, 48, 50 and 56** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above claims recite the limitation, "...**portions of memory**". This is not only vague and unclear but also does not have a well-defined meaning. Accordingly, the limitations in the above claims should be corrected/specified so that there would not be any ambiguity. For the purpose of examination, ..."**portion of memory**" is interpreted by the office as just a "**memory**"

5. **Claims 43,45,47 and 49** depend from rejected claims **42, 44 and 46** and include all the limitations of the respective claim, thereby rendering those dependent claims indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 42-50 and 56** are rejected under 35 U.S.C. 102(b) as being anticipated by **Derek L. Davis**. (hereinafter referred to as **Davis**) (U.S. Patent No. 6,064,739) (Submitted IDS).

8. **As per claims 42, Davis** discloses a method comprising:

- Providing one or more key pairs, individual key pairs comprising an encryption key that can be used to encrypt data and a decryption key that can be used to decrypt data encrypted with the encryption key; [column 5, lines 42-44; column 41-49; Column 2, lines 19-29] [**As for instance, explained on column 5, lines 42-44, the frame data encryptor shares “frame data keys”/key pairs with a frame data decryptor also located within the SVCP. The frame data decryptor using the corresponding key/key pairs decrypts the data which is encrypted by the frame data encryptor as explained on column 5, lines 37-56 and shown on figure 3A, 3B and 4]**
- Associating individual key pairs with the memory that comprise part of a video memory. [Column 5, lines 42-44; Figure 3B, reference “320”; reference “324” and reference “302”] [**As for instance, explained on column 5, lines 42-42, the frame date encryptor has encryption key which is used by the Frame Data Encryptor is associated with the memory/frame buffer shown on figure 3A or 3B reference “320” and figure 4, reference “424” and the corresponding decryption key which is used by Frame Data Decryptor is also associated with the memory/frame as shown on figure 3A/3B reference “324” and figure 4, reference “444”.]**

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9. **As per claims 43, Davis** discloses a method as applied to claim 42 above.

Furthermore, **Davis** discloses the method wherein, said acts of providing and associating are performed on a video card. [Column 3, lines 53-62; column 4, lines 30-34; Figure 3A, reference "SVCP"]

10. **As per claims 44-45, Davis** discloses a method as applied to claim 42 above.

Furthermore, **Davis** discloses the method wherein, said acts of associating comprises defining a table/memory controller on the video card, the table/memory controller having individual entries that associates individual key pairs with the memory.[Column 5, lines 42-49; Figure 3B, reference "320" and reference "324"]

11. **As per claim 46, Davis** discloses a method as applied to claim 42 above.

Furthermore, **Davis** discloses the method further comprising using an encryption key to encrypt data that is stored in associated memory.[column 6, lines 15-17; figure 4, reference "424"]

12. **As per claim 47-48, Davis** discloses a method as applied to claim 42 above.

Furthermore, **Davis** discloses the method wherein the act of using is performed prior to transferring the data off of the video card.[Column 6, lines 52-56]

13. **As per claim 49, Davis** discloses a method as applied to claim 42 above.

Furthermore, **Davis** discloses the method further comprising using a decryption key to decrypt data that has been received over a bus external to the video card.[Column 6, lines 55-56]

14. **As per claim 50, Davis** discloses a method as applied to claim 49 above.

Furthermore, **Davis** discloses the method further comprising providing the decrypted data in a memory associated with the decryption key that was used to decrypt the encrypted data.[Figure 3B, reference "324"]

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15. **As per claim 56, Davis** discloses a method comprising:

- Reading data from the memory on a video card, having an associated encryption/decryption key pair. [Column 6, lines 29-30][**As data is needed by the display device shown on figure 4, reference 440, data is retrieved/read from the memory/data frames and this data which was encrypted by the frame data encryptor using the encryption key shown on figure 4, reference 424 has an associated, decryption/key corresponding to the encryption key and used by the frame data decryptor shown on figure 4, reference “444”]**
- Recording key pairs associated with the memory from which data was read; [Column 6, lines 38-41; Column 5, lines 42-44 and 42-56] [**key pairs/ which are associated by the frame buffer and which are used by the frame data encryptor and the corresponding frame data decryptor are inherently before they perform a bidirectional authentication which is explained on column 6, lines 34-51]**
- Operating on the data read from the memory to provide output data.[Column 6, lines 31-33][**A decryption/operation is performed on the data reterived/read from the memory or the buffer to provide output data to the display device shown on figure 4, reference “440” and explained on column 6, lines 31-33]**
- Ascertaining whether the key pairs associated with the memory which the data was read are equivalent to a key pair associated with the video memory that is to server as a destination for output data.[Column 6, lines 34-51][**The IGD shown on figure 4 reference “404” ascertains that an appropriate IDD shown on figure 404 that is to serve as a destination for out put data is in place before transmitting the session keys which enables the IDD shown on figure 4 reference 404**

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to decode the data; in other words if the key which is used by the frame data decryptor to read/retrieves the data from the frame buffer/memory is not the same as the corresponding encryption key/key pairs that is used to encrypt the data then the frame data decryptor will not be able to decrypt the data and out put the data in to the destination video memory portion shown on figure 4, reference "406" that converts the successfully decrypted data in to analog signal and transmit the data to the appropriate display/output.]

and

- If the key pairs are equivalent, providing the output data into the destination video memory. [column 6, lines 49-51] [After authentication, the frame data decryptor will be able to successfully decrypt the data and provide the decrypted/out put data into the destination video memory portion shown on figure 4, reference "406" that converts the successfully decrypted data in to analog signal and transmit the data to the appropriate display/output.]

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

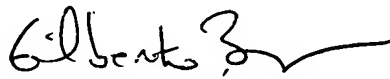
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.
12/10/2005


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